

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,
Plaintiff,

NOTICE OF MOTION

v.

Case No: 20-cr-00195(JLS)(JJM)

DAVID RUBEL,
Defendants.

S I R S :

PLEASE TAKE NOTICE that upon the annexed affidavit Herbert L. Greenman, Esq., the undersigned moves this Court for an Order extending the time within which the defense must file pretrial motions for reasons set forth in the affidavit annexed hereto and made a part hereof together with such other and further relief as to this Court may deem just and proper.

DATED: Buffalo, New York
November 19, 2021

Respectfully submitted,

/s/Herbert L. Greenman

HERBERT L. GREENMAN, ESQ.
LIPSITZ GREEN SCIME
CAMBRIA, LLP
Counsel for Defendant
DAVID RUBEL
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TO: LAURA HIGGINS, ESQ.
ASSISTANT UNITED STATES ATTORNEY
138 Delaware Ave.
Buffalo, NY 14202

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,
Plaintiff,

v.

DAVID RUBEL

Defendants.

AFFIDAVIT
Case #20-cr-00195(JLS)(JJM)

STATE OF NEW YORK)
COUNTY OF ERIE SS:
CITY OF BUFFALO)

HERBERT L. GREENMAN, Esq. being duly sworn deposes and says:

1. I am an attorney for the defendant David Rubel.
2. Motions on behalf of Mr. Rubel are scheduled to be filed by November 19, 2021.
3. We are respectfully requesting an extension of time within which to file motions.

The government has previously provided the defense with a written Plea Agreement. We have sent to the government a different proposal which is being considered by the government. I am told that there is an expectation that within the next week or two we will have an answer relative to the defendant's proposal.

4. The parties have worked diligently in an attempt to resolve this matter. However, the government's position that if the defense files motions a pretrial disposition will no longer be available.

5. Therefore, we believe it is in Mr. Rubel's best interest to ask for additional time. I would ask for 1 final 45 day extension of time within which to resolve this case. The parties do believe that we are moving closer to a resolution.

6. I have spoken with Assistant United States Attorney Laura Higgins who advises that she has no objection to this request.

7. The parties agree that the speedy trial time should be excluded on the basis that the interest of the defendant and the community in a speedy disposition of this case is outweighed by this request.

WHEREFORE, your deponent prays that this Court issue an Order accordingly.

DATED: November 19, 2021
Buffalo, New York

Respectfully submitted,

/s/Herbert L. Greenman

HERBERT L. GREENMAN, ESQ.
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Sworn to before me this 19th day
Of November, 2021

/s/Elizabeth M. Jagord-Ward

Notary Public, State of New York
Qualified in Erie County
My Commission Expires October 31, 2022